

In the United States District Court  
For the District of Delaware

James Hall  
Plaintiff.

v.

DAVID HOLMAN, LAWRENCE  
MIGNON AND DEPUTY  
WARDEN CYCLE D. SAGUIS  
Defendants.

C.A. No: 04-1328-GMS  
Jury Trial of Twelve  
Demanded

2005 DEC 20 PM 3:45

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

Motion to Strike, and or Opposition to Defendants'  
Motion to Stay Discovery.

Pursuant to the Appropriate F.R.C.P. And all other  
Authorities. Plaintiff seeks Plaintiff's Temporary Under Haines v  
Kerner, 404 U.S. 519 (1972). As a prose incarcerated  
Litigant and friend of the Court.

## Argument.

1. Defendant's Counsel wrote to Plaintiff with a "non-conforming" letter. Seeking protection from the Plaintiff's Discovery Request. The Plaintiff responded with an objection. Demonstrating the relevant Discovery sought goes to the claims and defenses in Plaintiff pending litigation.
2. To date the Court has not entertained the Defendant "non conforming" letter.
3. Defendant's abandoned their letter to incorporate by reference this formal request to stay Plaintiff discovery until the honorable Court rule on their motion to dismiss the instant request is belated.
4. It's written on the face of the Defendant's (Plaintiff's Request for Admission) The Defendant's had (30) day to comply with Plaintiff Discovery Request. This time has elapsed and the rule is clear.
5. Fed. R. Civ. P. 36(A) That if a request for admission is not timely answered, the matter is deemed admitted.
6. Plaintiff assumes That Defendant Counsel are aware of this fact. And that Defendant bear the results of their decision not to deny Plaintiff's admission in a timely manner.

### Conclusion

The plaintiff has based his defences and preparation for other motions in this litigation process on defendant's results of not timely responding to his Request for Admission. This Honorable Court should deny defendant motion to stay Discovery and order them to commence to plaintiff Discovery request or make other order As-is Just.

wherefore, plaintiff pray this Honorable Court order Discovery to be had or make other order As-is Just

James Hall, does hereby swear and certify under penalty of perjury that the instant opposition to Defendant motion to stay Discovery is lawful, not improperly motivated, and not unreasonably burdensome or expensive

  
 1181 padlock RD  
 Smyrna Del 19977

12-15-05

Date

CERTIFICATE OF SERVICE

I, JAMES HALL, hereby certify that I have served a true and correct copy(ies) of the attached: (2)  
Motion to Strike or Opposition to Defendants Motion to Stay Discovery upon the following parties/person(s):

TO: Mrs Lisa Brichi  
820 N. French St, 6<sup>th</sup> floor  
Wilmington, DE 19801

TO: \_\_\_\_\_

TO: \_\_\_\_\_

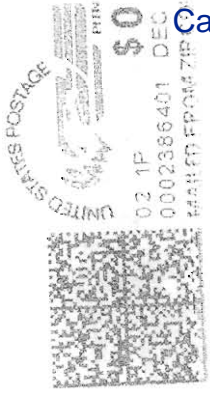
TO: \_\_\_\_\_

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977,

On this 15 day of December, 2005.

James Hall

James Hally, pro se W-L-9  
Delaware Correctional Center  
1181 Da. Dock Rd. Smyrna, DE  
19977



Clerk of the Court  
United States District Court  
899 N. King Street, Locker box 18  
Wilmington, DE 19801

